



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,412	08/03/2000	Jeffrey Ronald King	IGB 1531	9598

25230 7590 10/17/2002

DARA L ONOFRIO  
ONOFRIO LAW  
1133 BROADWAY  
SUITE 1600  
NEW YORK, NY 10010

EXAMINER

SHOSHO, CALLIE E

ART UNIT	PAPER NUMBER
----------	--------------

1714

14

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

US 14

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/631,412	KING ET AL.	
	Examiner	Art Unit	
	Callie E. Shosho	1714	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Callie E. Shosho. (3) \_\_\_\_\_  
(2) Lori Rowan. (4) \_\_\_\_\_

Date of Interview: 15 October 2002 .

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_ .

Claim(s) discussed: all .

Identification of prior art discussed: EP 858905, Adhida et al. (U.S. 6,357,871), Higuma et al. (U.S. 5,140,339), Shibahara et al. (U.S. 6,001,463), Bodager et al. (U.S. 5,984,467) .

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet .

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

**VASU JAGANNATHAN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Callie Shosho 10/15/02  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Ms. Rowan noted, and examiner agreed, that given the effective filing date of Ashida et al., the reference is not suitable for use against the present claims for the following reason. The effective filing date of Ashida et al. falls between the filing date and the priority date of the present application. However, the present application claims priority to a document filed in the United Kingdom and a certified copy of this document has been filed in the present application. Thus, applicants have perfected the foreign priority filing date. Therefore, Ashida et al. is not suitable for use as prior art under any subsection of 35 USC 102.

Further, Ms. Rowan proposed amending the claims to recite that the image is "substantially retained within the upper protective layer" in order to overcome the remaining rejections of record. Ms. Rowan noted that support for such amendment is found in example 3 of the present specification. Ms. Rowan also argued that EP 858905, Higuma et al., and Shibahara et al. all retain the image in the lower layer not the upper layer of the recording medium as presently claimed. Ms. Rowan stated that there is explicit disclosures in each of EP 858905, Higuma et al., and Shibahara et al. that the image is not retained in the upper protective layer as presently claimed. Examiner noted that if such explicit disclosure is not found in each of the references, a declaration would be necessary to show that the retention of the image in the upper protective layer is not an inherent characteristic of the references as set forth by the examiner in paragraph 11 of the office action mailed 7/19/02, Paper No. 12. Such declaration would be necessary in order to provide clear and convincing evidence of applicants' position that the references do not retain the image in the upper protective layer. With regards to Bodager et al., Ms. Rowan noted that this reference not only may not retain the image in the upper protective layer of the recording medium, but also stated that the reference does not disclose the presently claimed invention.